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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONSIST SOFTWARE SOLUTIONS, INC.,	:
f/k/a CONSIST INTERNATIONAL, INC.,	:
	:
Plaintiff,	:
-against-	:
SOFTWARE AG, INC. and SOFTWARE AG,	:
	:
Defendants.	:
-----X	

07 CV 7047 (CM) (FM)

**NOTICE OF MOTION
IN LIMINE TO
EXCLUDE EXPERT
TESTIMONY OF
DAVID A. MACSWAIN**

C O U N S E L O R S :

PLEASE TAKE NOTICE that, upon the annexed Declaration of Hyman L. Schaffer dated December 7, 2007, the exhibits annexed thereto, the accompanying Memorandum of Law in Support of Motion in Limine to Exclude Testimony by Defendants' Expert Witness, and all the pleadings and proceedings heretofore had herein, Plaintiff Consist Software Solutions, Inc. f/k/a Consist International, Inc. ("Consist"), by its undersigned counsel, Duane Morris LLP, will move this Court, before the Hon. Colleen McMahon, United States District Judge, at Court Room 21B of the United States Courthouse, 500 Pearl Street, New York, New York, for an order granting Consist's motion in limine to exclude the expert testimony of David A. MacSwain pursuant to Rules 403 and 703 of the Federal Rules of Evidence, and Rules 26(a)(2) and 37 of the Federal Rules of Civil Procedure, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
December 7, 2007

DUANE MORRIS LLP

By: /s Hyman L. Schaffer
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